



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,399	02/28/2002	Hans Carlsson	4015-2022	6746
24112	7590	07/11/2006	EXAMINER	
COATS & BENNETT, PLLC			AHMED, SALMAN	
P O BOX 5			ART UNIT	
RALEIGH, NC 27602			PAPER NUMBER	
			2616	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/085,399

Applicant(s)

CARLSSON, HANS

Examiner

Salman Ahmed

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 7 and 18.
Claim(s) rejected: 1-6, 8-17, 19-22, 24-31 and 33-37.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s): _____.
13. ☐ Other: _____.


HASSAN KIZOU

SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Response to Arguments

Applicant's arguments see pages 2-8 of the Remarks section, filed 7/3/2006, with respect to the claim rejections have been fully considered but they are not persuasive.

Applicant argues (see page 2, last paragraph) that "Rinne does not teach a network that may not grant idle time requests i.e., Rinne's teachings explicitly contradict the plain limitations of claims 14 and 30 and, therefore, Rinne as a matter of law cannot anticipate these claims". However, the Examiner respectfully disagrees with the assertion. The present claim language is broad and in view of the broadest reasonable interpretation of this language, Rinne does teach a basis for refusing an idle time request, and does appear to contemplate the possibility of not granting the request. In column 4 lines 1-14 Rinne teaches the steps of having received the message the network 20 checks 110 whether a suitable pause is coming up in the communication between the mobile station and the network. If such a pause is not coming up, the network allocates 120 to the mobile station a pause that matches the mobile station's request as well as possible. The Examiner respectfully points out that, in such scenario network 20 did not grant the requested idle time, in stead gave an idle time that matches the mobile station's request as well as possible. Applicant's argument in page 3, paragraph one and two also address this point.

Applicant argues (see page 3, paragraphs 3 and 4) "Allocating a pause (idle time) to a mobile station that matches as well as possible the actual amount of idle time requested by the mobile station, as is explicitly taught by Rinne, cannot be argued as anticipating claims 14 and 30, which explicitly identify a network determining whether to grant or not grant idle time requested by a mobile station.....That context and the corresponding claimed limitation of explicitly determining whether to grant idle time request are utterly missing from Rinne and Rinne thus fails as a matter of law as an anticipating reference". However, the Examiner respectfully disagrees with the assertion for the reasons cited above.

Applicant argues (see page 4, paragraph 2, page 5 paragraphs 1 and 3) "King + Rinne Does Not Teach or Suggest The Limitations of Claims 1 and 26....Rinne does not teach a network that requests a mobile station to perform a designated task within the meaning of Applicant's claims....Rinne does not disclose a network sending designated task requests to a mobile station", and Rinne therefore cannot disclose a mobile station receiving a designated task request and then determining whether the mobile station's current operating mode allows sufficient idle time to perform the task". However, examiner respectfully disagrees with this assertion. The present claim language is broad and in view of the broadest reasonable interpretation of this language, Rinne does teach the above-cited limitations. Rinne teaches transmitting a task request (column 9 line 3, description of the beacon signal) to perform a designated task to a mobile station (column 9 lines 2-4, a network 20 sends 455 to a mobile station a description of the beacon signal of a nearby base station), and wherein the task request specifies the designated task (column 9 lines 6-8, to receive the information of the beacon signal) and a defined time limit for performing the designated task at the mobile station (column 9 lines 6-8, Having received the description the mobile station checks 460 whether it has time to receive the information of the beacon signal within the idle time possibly available to it); receiving a request for additional idle time from the mobile station (figure 1, element 100) for performing the designated task (column 9 lines 8-10, If the mobile station is unable to receive said information it sends 100 to the network a request for idle time).

Applicant argues (see page 6, paragraphs 2-4) that there is No Motivation to combine Rinne with King. However, examiner respectfully disagrees with this assertion. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art at the time the invention was made. See *In re Keller* 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Applicant argues (see page 7, paragraphs 2-4) "proffered motivation to combine King, Rinne, and the cited ANSI standard is pure speculation, and wholly unsupported by the record. Indeed, at p. 10, the Final Office Action suggests that the Requested Response Time Field has some relevance to the combination of King and Rinne because a purchaser (of mobile stations'?) would be assisted in selecting and obtaining with minimum delay the proper product for his particular need....Moreover, King, although it is directed to Gps-based mobile station position determination, is utterly silent regarding the Requested Response Time Field parameter, and its relevance (or implicit) presence in King is pure speculation by the Patent Office. Moreover, this parameter is irrelevant to Applicant's explicitly claimed limitations". However, examiner respectfully disagrees with this assertion. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art at the time the invention was made. See *In re Keller* 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Further, the present claim language is broad and in view of the broadest reasonable interpretation of this language, Rinne does teach the processing logic is programmed to process a location command received at the mobile station from the network to identify defined time limit for completing the requested positioning operation (page 5, line 22, MS accepting the Measure Position Request, and the QoS Parameters IE from the network. In page 34 lines 3-4, ANSI/TIA/EIA-136-740-2001 teaches the Requested Response Time field is 2N seconds, where N is the value in this field. 3 Thus, the desired maximum response time can be 1, 2, 4, 8, 16, 32, 64, or 128 seconds).

Applicant's argument (see page 7 last paragraph and page 8 paragraph 1-2) regarding claims 24, 25 and 33 are not persuasive for the same reasons cited above.